

In re Application of: Alon ATSMON et al.  
 Serial No.: 10/618,962  
 Filed: July 14, 2003  
 Office Action Mailing Date: August 4, 2008

Examiner: Minh D. DAO  
 Group Art Unit: 2618  
 Attorney Docket: 36442

### REMARKS

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 24-42 and 48-56 are currently pending.

Claims 24-44, 48-54 and 56 are rejected under 35 U.S.C. §103(a).

Claims 43 and 56 have been amended.

It is submitted that no new matter has been added by these amendments, and that support for these amendments may be found, for example, at page 37, line 12 and page 12, line 32 of the application, respectively.

### Claim Rejections – 35 U.S.C. §103

In this section of the Office Action, claims 24-34 and 41 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fajkowski (US Patent No. 5,905,246) in view of Suzuki et al. (US Patent No. 4,479,995) and further in view of Ito (US Patent No. 6,990,334). Applicants respectfully traverse this rejection.

None of the cited references teaches the limitations found in independent claims 24 and 41, namely a portable device including a "body that has a thickness less than 0.8 mm and a switch" and an acoustic reception unit/electronics.

Fajkowski teaches a coupon card which stores and organizes the coupons (column 15, line 11). Information from the coupons may be transferred via the card to a periphery device (column 15, line 46). Fajkowski specifically states that the height and width of the coupon card "will approximate that of a conventional credit card" (column 8, line 27). He does not, however, teach a coupon card having a thickness less than 0.8 mm. It may be noted that, according to ISO 7810, the thickness of a standard credit card is 0.762 mm. While Fajkowski states that, ideally, his coupon card should fit in the credit card pocket of a conventional wallet, he does not require his card to have a thickness less than 0.8 mm. Suzuki et al. teach a metallic luster plastic card containing a magnetic strip.

In contrast to the teachings of Fajkowski and Suzuki et al., each of claims 24 and 41 teaches a device including an acoustic reception unit/electronics.

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Ito teaches a wireless acoustic transmission and reception device for use in a music offering service system. The system includes a remote service center, a PHS (personal handyphone system) base station, and an acoustic receiver device (column 6, line 46). The acoustic receiver device includes various components which may communicate with the PHS telephone terminal device for facilitating use of the device, such as an additional operation unit placed on the cable of earphones (column 8, line 10). It is, however, clear that in each of the embodiments taught by Ito (receiver device 4 in Figs. 3 and 16; receiver device 70 in Fig. 18; receiver device 80 in Fig. 20), the receiver device is incorporated into a PHS telephone, which is essentially a cordless telephone, having a thickness greater than 0.8 mm.

In contrast to the teachings of Ito, claim 24 recites "A portable device, comprising: a device body that has a thickness less than 0.8 mm and a switch; memory for holding device information; a processor for processing signals to determine instructions to be carried out; and reception electronics for receiving wireless signals, said reception electronics comprising an acoustic reception unit." Also in contrast to the teachings of Ito, claim 41 recites "A portable device, comprising: a device body that has a thickness less than 0.8 mm and a switch; memory for holding device information; a processor for processing signals to determine instructions to be carried out; and reception electronics for receiving and recording acoustic signals."

The Examiner has suggested that it would have been obvious to combine the teaching of Ito with those of Fajkowski and Suzuki et al., "for the purpose of improving the output of the music when replay [sic] it." It is, however, submitted that even if one were inclined to combine the portable cards of Fajkowski and Suzuki et al. with the telephone receiver of Ito, the resulting device would not have a thickness less than 0.8 mm. Instead, since Ito teaches a system wherein the acoustic receiver device is utilized as a PHS telephone terminal, the device has a thickness greater than 0.8 mm.

In view of the foregoing discussion, it is submitted that claims 24 and 41 are patentable over Fajkowski in view of Suzuki et al. and further in view of Ito. It is further submitted that claims 25-34 are patentable as they depend from allowable independent claim 24.

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Additionally in the Office Action, claims 35-44 and 56 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fajkowski in view of Suzuki et al. and Ito and further in view of Kim (US Patent Application Publication No. 2006/0229114). Applicants respectfully traverse this rejection.

As noted above, none of Fajkowski, Suzuki et al., and Ito teaches the limitations found in each of independent claims 24, 41, 43, and 56, namely, a portable device including a device body that has a thickness less than 0.8 mm and an acoustic reception unit/electronics.

Kim teaches a mobile, palm-held device incorporated into a cellular or satellite telephone. The device communicates with the Internet (paragraphs 0011-0012) and records musical data directly from the Internet. The musical data, both audio and visual, can then be reproduced by the device (paragraph 0013). While Kim does teach receiving audio files from an Internet server, this is not the same as reception electronics for receiving acoustic signals as recited in each of claims 24, 41, 43, and 56. Specifically, the device to Kim receives audio files, in which naturally analog signals have been stored in digital form. It does not receive acoustic signals, which are sounds, i.e., naturally analog signals, perceivable by humans.

Additionally, in view of the fact that both Ito and Kim teach incorporating their devices into portable telephones, which have a thickness greater than 0.8 mm, it is not clear how one would combine the teachings of Kim with those of Fajkowski, Suzuki et al., and Ito to achieve a portable device including a device body that has a thickness less than 0.8 mm and an acoustic reception unit/electronics, as recited in each of claims 24, 41, 43 and 56.

It is, therefore, submitted that independent claims 24 and 41 and amended independent claims 43 and 56 are patentable over Fajkowski in view of Suzuki et al. and Ito, and further in view of Kim and are, therefore, allowable. It is further submitted that claims 35-40, 42 and 44 are patentable, as they depend from allowable claims 24, 41 and 43, respectively.

Further in the Office Action, claims 48-54 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fajkowski in view of Ito and further in view of Logan et al. (US Patent No. 7,058,376). Applicants respectfully traverse this rejection.

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As noted above, neither Fajkowski nor Ito teaches a portable device including a device body that has a thickness less than 0.8 mm and acoustic reception electronics.

Logan et al. teach a car radio system for receiving, recording, and playing back a plurality of simultaneously broadcast radio or television programs (column 2, line 2; column 3, line 54; and column 4, line 66).

Thus, none of the cited references teaches the limitations found in each of independent claims 48 and 51, namely "a device body that has a thickness less than 0.8 mm" and "reception electronics for receiving and recording acoustic signals" and storing/recording an audio sample on said portable device.

In contrast, each of claims 48 and 51 recites "providing a portable device, comprising a device body having a thickness less than 0.8 mm" and "a processor for processing signals to determine instructions to be carried out." This is different from the car radio system (which does not have a thickness less than 0.8 mm) taught by Logan, wherein the processing of audio files does not determine instructions to be carried out.

It is, therefore, submitted that independent claims 48 and 51 are patentable over Fajkowski in view of Ito and further in view of Logan. It is further submitted that claims 49, 50 and 52-54 are patentable, as they depend from allowable independent claims 48 and 51, respectively.

All of the issues raised by the Examiner have been dealt with. In view of the foregoing, it is submitted that all the claims now pending in the application are allowable. An early Notice of Allowance is therefore respectfully requested.

Respectfully submitted,

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Date: December 4, 2008

**Enclosure:**

- Petition for Extension of Time (One Month)